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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/332,050	06/14/1999	JAN HOLLER	2466-29	2451
23117	7590	05/17/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			NGUYEN, STEVEN H D	
			ART UNIT	PAPER NUMBER

2665

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/332,050

Applicant(s)

HOLLER ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 14-52 is/are rejected.
- 7) ☒ Claim(s) 7-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claim 33 objected to because of the following informalities: "claim 31" should be changed to -- claim 32 --. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 and 14-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maroulis (USP 6584094) in view of Yamato (USP 6094431).

Regarding claims 1, 4 and 49, Maroulis discloses a telecommunication network comprising an network, comprising means connected to the network (Fig 1, Ref 117) for identifying a telephone call which enters the network at an entry port (Fig 1, Ref 103 for receiving a telephone call that enters into internet and identifying the address of the entry gateway); means for identifying an exit port in the network through which the call is to exit (Fig 1, Ref 105 for receiving the request for identifying the address of the exit gateway), and means for emulating a switch which provides synchronous transfer mode (STM) resources for a virtual STM connection (Fig 1, Ref 113 for seizing a virtual trunk for transmitting address of the entry port 'gateway' and receiving address of the exit port 'destination gateway') does not control switching of the call through the network (the transmitting of the packet is control by the

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network 117. So the switch emulator does not control the switching of the call), the STM connection being used for returning an address of the exit port to the entry port, or for forwarding an address of the entry port to the exit port, whereby the call can be switched directly through the network (Fig 1, Ref 103 generates a packet that includes IP address of the first gateway for transmitting to Ref 105 which determines the address of the exit gateway and transmitting a reply message includes the IP address of the exit gateway to Ref 103, the Ref 103 and 109 use this information for switching the call via internet). However, Maroulis fails to disclose a network between the gateways being ATM network for transporting the ATM cell. In the same field of endeavor, Yamato discloses a method and system for setting a path via the ATM network for carrying the IP packet by using RSVP (Fig 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace the IP gateways and internet network with a broadband gateway and ATM network as disclosed by Yamato's system. The motivation would have been to reduce transmission delay.

Regarding claim 2 and 5, Maroulis discloses means connected to the means for identifying the exit port and to an STM switch for emulating an STM connection to the STM switch (Fig 1, Ref 103).

Regarding claim 3, Yamato discloses means for establishing a new switched connection through the ATM network for each new telephone call by using ATM signaling (Fig 7, a new path will be established for each new connection).

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Regarding claim 6, Maroulis discloses information for call identification is sent together with the address in order to correlate the address with the voice connection (Fig 2B, the request packet includes dialed telephone number and IP address of the entry gateway).

Regarding claims 36 and 52, Maroulis discloses a switch emulator (Fig 1, Ref 103 includes a packet adapter for seizing a trunk between the enter port and exit port of the bear service network) which seizes a virtual trunk for establishing an emulated connection between a bearer services network entry port (Fig 1, the link between 103 and 109) and a bearer services network exit port (Fig 1, link between 111 and 105), the virtual trunk being seized by the switch emulator (Fig 2b, Ref 213) in response to a request issued by a narrowband switch (Fig 1, Ref 103) in the call services network upon receipt of a call setup message, the emulated connection being used for sending information to the bearer services network entry port (Fig 2c, Ref 225) so that a reserved connection can be setup between the enter and exit points of the network (Fig 1, Ref 117) and switch emulator does not control the switching of the network (the transmitting of the packet is control by the network 117. So the switch emulator does not control the switching of the call). However, Maroulis fails to disclose a physical connection can be established through the bearer services network. In the same field of endeavor, Yamato discloses a method and system for setting a path via the ATM network for carrying the IP packet by using RSVP (Fig 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace the IP gateways and internet network with a broadband gateway and ATM network as disclosed by Yamato's system. The motivation would have been to reduce transmission delay.

Regarding claims 14-18, 20-21, 23-30, 32-33, 35 and 50-51, Maroulis discloses a telecommunications network comprising a call services network (Fig 1, Ref 113) and network (Fig 1, Ref 113) comprising a narrowband switch (Fig 1, Ref 103) in the call services network which, upon receipt of a call setup request for a call, makes a request for routing of the call setup request so that the call can be routed to a final destination (Fig 2b, Ref 213), plural switch emulators (Fig 1, Ref 103 includes a packet adapter for seizing a trunk between the enter port and exit port of the network) which in response to the request for the routing of the call setup request, establish an emulated connection between a service network entry port and a service network exit port, the emulated connection being used for sending information such as an address of the services network exit port to the services network entry port, or for sending the address of the bearer services network entry port to the bearer services network exit port or to the service network entry port (Fig 2c, Ref 225 and 215) so that a reserved connection can be setup between the enter and exit points of the network (Fig 1, Ref 117); switch emulator does not control the switching of the network (the transmitting of the packet is control by the network 117. So the switch emulator does not control the switching of the call); network is divided into plural switching domains, and wherein each of the plural switching domains is equipped with one of the plural switch emulators (Fig 1, Ref 103 and 105, the packet adapter is placed in each region of the service network, domain is area number; So the switch emulator does not control the switching of the packet in the network 117); the plural switch emulators are provided in the services network (Fig 1, Ref 103 and 105, the packet adapters); a first broadband terminal (Fig 1, Ref 109 for converting voice signal into voice packet) and a second broadband terminal (Fig 1, Ref 111 for converting voice packet into a voice signal), wherein the services network entry port

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is a port of the first broadband terminal (IP address of the first gateway) and the services network exit port is a port of the second broadband terminal (The IP address of the second gateway).

However, Maroulis fails to disclose a physical connection can be established through the bearer services network. In the same field of endeavor, Yamato discloses a method and system for setting a path via the ATM network for carrying the IP packet by using RSVP (Fig 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace the IP gateways and internet network with a broadband gateway and ATM network as disclosed by Yamato's system. The motivation would have been to reduce transmission delay.

Regarding claims 19 and 31, Maroulis discloses comprising narrowband terminals (Fig 1, Ref 101 and 107) involved in the call and Yamato discloses ATM network. Maroulis and Yamato does not disclose call control procedures of the call services network are carried transparently between the narrowband terminals entities in the call services network through the services network. However, a method and advantage for transmitting an internet packet that contains the signaling message in the payload "transparent" are well known and expected in the art at the time at invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to encapsulate the signal from STM network into a packet for transmitting in a service network. The motivation would have been to reduce to cost of the call.

Regarding claims 22 and 34, Maroulis discloses the call services network is a synchronous transport mode (STM) network (Fig 1, Ref 103).

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Regarding claim 37, Maroulis discloses the narrowband switch requests a trunk for routing of the call setup request towards the final destination (Fig 2a, Ref 207), and the plural switch emulators intercept the call setup request and seize plural virtual trunks to establish the emulated connection (Fig 2b, Ref 213 and 215).

Regarding claims 38-48, Maroulis discloses a narrowband node (Fig 1, Ref 103 includes a packet adapter “logic unit” for PSTN or 115) in the call services domain and a network in the services domain (Fig 1, Ref 117), a logic unit (Fig 1, Ref 103 includes a packet adapter) coupled to the narrowband node being STM node which emulates, the narrowband switch, and controls resources requires by a narrowband call setup procedure and setup a virtual connection which is utilized for exchanging the address of the entry or exit port, in the call services domain and controls accesses and trunks between other logic units and implicitly discloses call setup routing is performed in the call services domain and subsequently the connection for voice transport is requested through services domain are initialized essentially simultaneously (Fig 2A, Ref 205-207 used to seize “resources” a trunk between the PBX for transporting the address of the exit port “gateway 111” and of the entry port “gateway 109” by determining if the PBX coupled to a gateway “control”); logic unit uses the information from the narrowband node to identify an exit port from the network to which a call to be switched through the network (Fig 2b, Ref 213-219 and 255, the dialed number from the PBX is used to identify the address of the gateway and transport this information to the first PBX for using to establish a path between the gateway via network 117 by using RSVP) and the logic unit does not control switching of the call through network (the logic unit “packet adapter” does not control the switching of the packet in the network 117. However, Maroulis fails to disclose a physical connection can be established



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through the bearer services network being ATM network. In the same field of endeavor, Yamato discloses a method and system for setting a path via the ATM network for carrying the IP packet by using RSVP (Fig 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace the IP gateways and internet network with a broadband gateway and ATM network as disclosed by Yamato's system. The motivation would have been to reduce transmission delay.

Regarding claims 43, Maroulis discloses value added services are invoke in the call service domain (Fig 2a, Ref 207).

#### ***Allowable Subject Matter***

4. Claims 9-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
5/14/05